

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
OCTOBER 22, 2013**

**MAYOR’S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 31, 2012 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ronald Dobies
Council President:	Ron DiMura
	Kevin Dotey (absent)
	Sean Kaplan
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney:	Aravind Aithal
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**PROCLAMATIONS-NONE**

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**APPOINTMENT-NONE**

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**PRESENTATIONS - NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1844-13 by title for introduction.

**BOROUGH OF MIDDLESEX  
ORDINANCE NUMBER 1844-13**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE  
OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE  
BOROUGH OF MIDDLESEX, NEW JERSEY TO CSC TKR, LLC,  
D/B/A CABLEVISION OF RARITAN**

**WHEREAS**, the governing body of the Borough of Middlesex (hereinafter referred to as the “Borough”) determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley, (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Borough; and

**WHEREAS**, by application for renewal consent filed with the Borough and the Office of Cable Television on or about December 14, 2011, Cablevision has sought a renewal of the Franchise; and

**WHEREAS**, the Borough having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Borough’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough’s future cable-related needs and interests;

**WHEREAS**, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal embodies the commitments set forth below, the Borough’s municipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, as follows:

## **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) "Act" or "Cable Television Act" shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) "Application" shall mean Cablevision's application for Renewal of Municipal Consent, which application is on file in the Borough Clerk's office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) "Board" shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) "Borough" shall mean the governing body of the Borough of Middlesex in the County of Middlesex, and the State of New Jersey.
- (e) "Company" shall mean CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Cablevision") the grantee of rights under this Ordinance.
- (f) "FCC" shall mean the Federal Communications Commission.
- (g) "Federal Act" shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) "Federal Regulations" shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) "Standard installation" shall mean the installation of drop cable to a customer's premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) "State" shall mean the State of New Jersey.
- (k) "State Regulations" shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

## **SECTION 2. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

## **SECTION 3. GRANT OF AUTHORITY**

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

## **SECTION 4. DURATION OF FRANCHISE**

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

## **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

## **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

## **SECTION 7. SERVICE AREA**

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

## **SECTION 8. EXTENSION OF SERVICE**

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

## **SECTION 9. FRANCHISE FEE**

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

## **SECTION 10. FREE SERVICE**

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

## **SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

## **SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

## **SECTION 13. LOCAL OFFICE OR AGENT**

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

## **SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

## **SECTION 15. LIABILITY INSURANCE**

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

## **SECTION 16. PERFORMANCE BOND**

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

## **SECTION 17. RATES**

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62)

years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

#### **SECTION 18. EMERGENCY USES**

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

#### **SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

#### **SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices

constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

## **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. Upon 180 days prior written notice, Cablevision shall construct and maintain a fiber access return line at one (1) facility designated by the Borough within the serviceable franchise territory of the Borough, for use by the Borough in the production of non-commercial educational and governmental access programming on the cable system.

E. Cablevision shall provide the Borough with a one-time PEG grant of up to fifteen thousand dollars (\$15,000.00) payable as follows: (1) an initial grant payment of four thousand and twenty dollars (\$4,020.00) within 60 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the "Initial Grant"); and (2) a grant of one thousand two hundred and twenty dollars (\$1,220.00) provided in annual installments, upon written request by the Borough (the "Annual Grant"). The Annual Grant shall be payable to the Borough within ninety (90) days from receipt of the Borough's written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

F. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(F).

G. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

## **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

## **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

## **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

## SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation  
111 Stewart Avenue  
Bethpage, NY 11714  
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

CSC TKR, LLC d/b/a Cablevision of Raritan Valley  
1111 Stewart Avenue  
Bethpage, NY 11714  
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Middlesex  
1200 Mountain Avenue  
Middlesex, New Jersey 08846  
Attention: Borough Administrator

## SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon the passage, and publication as required by law.

Council President DiMura made a motion for introduction, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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### PUBLIC HEARINGS-NONE

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### ADOPTION OF MINUTES

Councilman Kaplan moved the approval of the September 24, 2013 and October 8, 2013 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

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### REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance – Nothing to Report
2. Recreation/Recreation Fields/Water & Light – Nothing to Report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - (a) Councilman Kaplan thanked the volunteers, Fire Department, Rescue Squad, Police, Borough Attorney and council for helping last Friday with the send off of Chris Bron on his return to the military. A committee will be put together for the next meeting.
4. Public Works/Parks/Sanitation/Recycling – Nothing to Report
5. Police/Legal/Code Enforcement/Municipal Court
  - (a) Councilwoman Tackach moved the approval of the August, 2013 Police Department Monthly Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.

6. Administration/Office on Aging/Legislation/License/Buildings & Grounds

(a) Councilman Schueler mentioned that the attorney's comments on the TNR proposed ordinance have taken more time than expected and will be discussed at the November 26, 2013 Meeting.

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**REPORTS-NONE**

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Consent Agenda 2013(V)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Consent Agenda.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

**Resolution #275-13 – Resolution #280-13**

Councilwoman Tackach made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #275-13**

**WHEREAS**, Chapters 317 and 318 of the Code of Borough of Middlesex sets forth the standards and requirements for the maintenance and upkeep of properties within the Borough of Middlesex; and

**WHEREAS**, the owner of record for certain property located at 200 Runyon Avenue, Block 264, Lot 8, C001 within the Borough of Middlesex has failed to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS**, the owner of record of such property Thuy Ta & Tam Nguyen and Safeguard Properties have been duly notified on 9/27/2013 of their failure to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS**, the Borough has incurred expenses totaling \$995.60 to abate and/or mitigate the failure of the owner of record to comply with the standards and requirements for the maintenance and upkeep of that property; and

**WHEREAS**, the Borough requested payment from the owner of record of the property and the owner of the property has failed to remit such payment; and

**WHEREAS**, under Chapter 317-14 and/or N.J.S.A. 40:48-2.13, the expenses incurred by the Borough of Middlesex shall be permitted to become a lien on the property;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The amount of \$995.60 shall be added to and become and form part of the taxes next to be assessed and levied upon such lands.
  2. The Tax Assessor's Office of the Borough of Middlesex shall be authorized to take such actions as is necessary and permitted to collect such amount.
  3. This Resolution shall take effect immediately.
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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #276-13**

Authorizing the Mayor to execute the 2014 Flow and Loadings Suggested Estimates for the Middlesex County Utilities Authority.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #277-13**

The Tax Collector is hereby authorized to refund an overpayment of 4<sup>th</sup> quarter 2012 property taxes due to an overpayment by the finance/mortgage company on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
248/43/C001	Zimbardo, Joseph M & Jeffrey M 927 Lincoln Blvd	\$ 384.99

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #278-13**

The Tax Collector is hereby authorized to refund an overpayment of 4<sup>th</sup> quarter 2012 property taxes due to an overpayment on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
248/43/C002	Kratz, Ryan & Grant, Robyn 929 Lincoln Blvd	\$ 641.65

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #279-13**

The Tax Collector is hereby authorized to refund an overpayment of 2013 property taxes due to an overpayment on the following property:

BLOCK/LOT	NAME & ADDRESS	AMOUNT
258/25/C002	Belevska, S & Belevski, Z 302 Runyon Avenue	\$ 665.92

The check is to be made payable to: Wells Fargo Real Estate Tax Services, LLC  
Attn: Financial Support Unit-Region 1  
MAC #X2302-04D  
1 Home Campus  
Des Moines, IA 50328

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #280-13**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR  
(1) 2014 FORD F350 4WD CHASSIS CAB & OPTIONS**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase (1) 2014 Ford F350 4WD Chassis Cab & options from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, Ditschman Flemington Ford is under State Contract No. A83577 (T2101) for the year 2013; and

**WHEREAS**, the cost for the purchase of (1) 2014 Ford F350 4WD Chassis Cab & options is not to exceed \$42,702.00; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of (1) 2014 Ford F350 4WD Chassis Cab & options is ordered under State Contract No. A83577 (T2101) be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$42,702.00 is available in  
Account No. 04-1832-00-1832-77.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #281-13**

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Including the following Confirming Orders:

PO 54377	Alternate Power, Inc	\$ 65.00
PO 54291	Minerva Bunker Gear Cleaners	\$ 262.25

Councilman DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos: None. Abstain: None.

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**DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Best Practices Worksheet – Mayor Dobies discussed the Best Practices Worksheet and Council’s review. This worksheet entitles the borough to receive 100% of State Aid for this year.

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**PUBLIC COMMENTS**

Mayor Dobies opened the Public Portion of the meeting for any comments.

John Ericson, 209 Second Street, complimented the governing body on the cleanup of Cap Lane and also discussed the removal of the playground equipment at the Cap Lane Park. Mr. Ericson also thanked John Madden, former President of the Board of Health for all his years of service on the Board. Mr. Ericson also recommended that the committees and commissions be up dated on the website.

Barbara Borkowski, 57 George Avenue is concerned with the dimness of the street lights and also thanked Councilman Kaplan for his leadership roll, along with the Borough emergency services for helping with the celebration for Chris Bron’s return to the military.

Mayor Dobies stated that this is an example of how people care, as the committee is being formed by our own residents.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex that:

**Resolution #282-13**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Sadat Associate's Lawsuit
2. Borough Administrator
3. Personnel Issue – Police Officer

Council President DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Members DiMura, Dotey, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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Council President DiMura moved to reconvene the Regular Meeting seconded by Councilman Kaplan and carried by a unanimous vote of Council.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #283-13**

The Governing Body of the Borough of Middlesex hereby terminates Patrolman Thomas Griffin from the Middlesex Police Department effective immediately.

Council President DiMura made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Members DiMura, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

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**ADJOURNMENT**

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Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Schueler and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC  
Borough Clerk